

REMARKS

Claims 1, 2 and 4-6 are pending. Claims 1 and 2 are allowable. Claim 3 has been canceled. Claims 4-6 have been amended to depend from claims 1 and 2. Also, claim 6 has been amended to adopt language suggested by the Examiner. No new matter has been added by these amendments.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 USC 112, second paragraph

The Examiner has rejected claim 6 under 35 USC 112, second paragraph as allegedly containing indefinite subject matter. This rejection is respectfully traversed in view of the amendments to the claims as set forth above.

Applicants have amended the claim to recite "a polysubstituted fused bicyclic compound containing a benzene or a pyridine ring as one of the fused rings" as suggested by the Examiner. Accordingly, the rejection under 35 USC 112, second paragraph has been overcome.

Issues Under 35 USC 101

Claims 3-6 have been rejected under 35 USC 101 as claiming the same invention as claims 2-5 of US 6,743,916. Claim 3 has been canceled and claims 4-6 have been amended to depend from claims 1 and 2. Accordingly, the rejection under 35 USC 101 has been overcome.

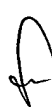
In view of the above remarks, all the claims remaining in the application, as amended, are submitted as defining non-obvious, patentable subject matter. Reconsideration of the rejections and allowance of the claims are respectfully requested.


If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,



By  #42,874

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